UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1997/L.11/Add.6
17 April 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 26

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

Draft report of the Commission

Rapporteur: Ms. Margarita ESCOBAR LOPEZ

CONTENTS*

Chapter — Page

II. Resolutions and decisions adopted by the Commission at its fifty-third session . . . . . .

A. Resolutions

1997/60. Situation of human rights in Iraq . . . . . .

1997/61. Extrajudicial, summary or arbitrary executions . . . . . .

1997/62. Human rights in Cuba . . . . . .

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* Documents E/CN.4/1997/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1997/L.11 and addenda.

GE.97-12363 (E)

CONTENTS (continued)

Chapter — Page

II. A. Resolutions (continued)

1997/63. Situation of human rights in East Timor . . . .

1997/64. Situation of human rights in Myanmar . . . . .

1997/65. Situation of human rights in Afghanistan . . .

1997/66. Situation of human rights in Rwanda . . . . . .

1997/67. Situation of human rights in Equatorial Guinea and assistance in the field of human rights . .

1997/68. Report of the United Nations High Commissioner for Human Rights . . . . . .

1997/69. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action . . . . . .

1997/70. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms . . . . . .

1997/71. Human rights and bioethics . . . . . .

1997/72. Right to development . . . . . .

1997/60. Situation of human rights in Iraq

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949 on the protection of victims of war,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently General Assembly resolution 51/106 of 12 December 1996 and Commission on Human Rights resolution 1996/72 of 23 April 1996;

(b) Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected; Security Council resolution 686 (1991) of 2 March 1991 in which the Council called on Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; Security Council resolution 687 (1991) of 3 April 1991 and Security Council resolution 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies;

1. Welcomes the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1997/57) and the observations on the general situation, including in the northern region, and the conclusions and recommendations contained therein, and notes his dismay that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns

(a) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(c) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(d) Widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment, namely mutilation, as a penalty for offences and diversion of medical care services for such mutilations;

3. Calls upon the Government of Iraq

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To restore independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate w the Working Group on Enforced or Involuntary Disappearances for that purpos and to pay co sation to the families of those who died or disappeared in custody of t raqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(h) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkomen, the population of the south marsh areas, where drainage projects have provoked environmental destructio and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(i) To cooperate with international aid agencies and non-governmenta organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(j) To release immediately all Kuwaitis and nationals of other State who may still be held in detention;

(k) To ensure equitable distribution without discrimination to the Iraqi population of the humanitarian supplies purchased with the proceeds o Iraqi oil, in implementation of Security Council resolution 986 (1995) and t memorandum of understanding with the Secretary-General of May 1996 on this issue, and cooperate with international humanitarian agencies for the provision without discrimination of relief to those in need throughout Iraq;

(l) To cooperate in the identification of mine fields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. Decides

(a) To extend the mandate of the Special Rapporteur, as contained in resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and requests the Special Rapporteur to submit an interim report on hum rights in Iraq to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to continue to give all necessa assistance to the Special Rapporteur to enable him to discharge his mandate

fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information on the situation of human rights in Iraq;

(c) To continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

66th meeting
16 April 1997
[Adopted by a roll-call vote of 31 to none, with 22 abstentions. See chap. X.]

1997/61. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of summary or arbitrary executions, of which the latest is 51/92 of 12 December 1996,

Recalling also Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto and Economic and Social Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Notes that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, arbitrary or summary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

5. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, taking into account the safeguards and guarantees referred to in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989;

6. Takes note of the report of the Special Rapporteur, including his recommendations (E/CN.4/1997/60 and Add.1);

7. Notes the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages him to continue, within the framework of his mandate, to collect information from all concerned and to seek the views and comments of Governments in order to be able to respond effectively to reliable information that comes before him and to follow up on communications and country visits;

8. Requests the Special Rapporteur, in carrying out his mandate;

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order

to keep the Commission on Human Rights informed about such serious situations of extrajudicial, summary or arbitrary executions as warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals who are carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender-perspective in his work;

9. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights and encourages the Special Rapporteur to continue efforts in this regard;

11. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public manifestations, internal and communal violence, disturbances, tension and public emergency or armed

conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular, with regard to restrictions on the use of force and firearms in the discharge of their functions;

12. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, in the 1949 Geneva Conventions and the 1977 Protocols thereto in relation to the treatment of prisoners in armed conflicts, and other pertinent international instruments;

13. Strongly urges all Governments:

(a) To cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests, in keeping with the usual terms of reference for missions by Special Rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

14. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him, invites them to report to the Special Rapporteur on action taken on these recommendations, and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

15. Expresses its concern that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

17. Requests the Secretary-General to provide the Special Rapporteur, from within existing resources, with additional human, financial and material resources, in order to enable him to carry out his mandate effectively, including through country visits;

18. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

19. Further requests the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-fourth session under the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/62. Human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1996/69 of 23 April 1996 regarding the extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 51/113 of 12 December 1996 regarding the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1997/53),

Profoundly concerned at continued violations in Cuba of human rights and fundamental freedoms enumerated in the Universal Declaration of Human Rights, such as freedoms of thought, conscience and religion, opinion and expression, assembly and association, and rights associated with the administration of justice,

Dismayed by the violation of right to life by the Government of Cuba in shooting down two unarmed civilian aircraft on 24 February 1996,

1. Commends the report of the Special Rapporteur and his efforts to carry out his mandate concerning the situation of human rights in Cuba;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Calls upon the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party;

5. Regrets profoundly the numerous reports of violations of human rights and fundamental freedoms, as described in the report of the Special Rapporteur, and urges the Government of Cuba to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. Calls upon the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable international human rights instruments and to end all violations of human rights including, in particular, the detention and imprisonment as well as harassment of and threats against human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

7. Calls especially upon the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

8. Calls upon the Government of Cuba to ensure that workers' rights are safeguarded including through independent and generalized collective bargaining systems;

9. Decides to extend the mandate of the Special Rapporteur for one year;

10. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

11. Requests that the existing mechanisms of the Commission on Human Rights continue giving attention to the situation of human rights in Cuba;

12. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

14. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session on the results of his endeavours pursuant to the present resolution;

15. Invites the Government of Cuba to consider the possibility of requesting the establishment of a programme of advisory services.

66th meeting
16 April 1997
[Adopted by a roll-call vote of 19 to 10, with 24 abstentions. See chap. X.]

1997/63. Situation of human rights in East Timor

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Indonesia is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and to the Geneva Conventions of 1949 on the protection of victims of war,

Recalling its resolution 1993/97 of 11 March 1993, and bearing in mind statements by the Chairman of the Commission on the situation of human rights on East Timor at its forty-eighth, fiftieth, fifty-first and fifty-second sessions,

1. Welcomes

(a) The report of the Secretary-General (E/CN.4/1997/51) and his recent nomination of a special representative;

(b) The continuing efforts of the Indonesian National Commission on Human Rights to investigate human rights violations, and its decision to establish an office in Dili, East Timor;

(c) The commitments by the Government of Indonesia to continue the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor;

2. Expresses its deep concern

(a) At the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention as reported in the reports of the Special Rapporteur on torture (E/CN.4/1997/7), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60), the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34);

(b) At the lack of progress made by the Indonesian authorities towards complying with their commitments undertaken in statements agreed by consensus at previous sessions of the Commission;

(c) That the Government of Indonesia has not yet invited thematic rapporteurs and working groups of the Commission to East Timor, in spite of commitments undertaken to do so in 1997;

(d) At the policy of systematic migration of persons to East Timor;

3. Calls upon the Government of Indonesia

(a) To take the necessary measures in order to ensure full respect for the human rights and fundamental freedoms of the people of East Timor;

(b) To ensure the early release of East Timorese detained or convicted for political reasons and to clarify further the circumstances surrounding the violent incident that took place in Dili in November 1991;

(c) To ensure that all East Timorese in custody are treated humanely and in accordance with international standards, and that all trials in East Timor are conducted in accordance with international standards;

(d) To cooperate fully with the Commission and its thematic rapporteurs and working groups and to invite these rapporteurs and working groups to visit East Timor, in particular the Special Rapporteur on torture, in line with the commitment undertaken to invite a thematic rapporteur in 1997;

(e) To undertake all necessary action in order to upgrade the memorandum of intent of 26 October 1994 on technical cooperation into the envisaged memorandum of understanding, and requests in this regard the United Nations High Commissioner for Human Rights to report on the follow-up to the memorandum of intent;

(f) To bring about the envisaged assignment of a programme officer of the Office of the United Nations High Commissioner for Human Rights at the Jakarta office of the United Nations Development Programme, as follow-up to the commitment undertaken, and to provide this officer with unhindered access to East Timor;

(g) To provide access to East Timor for human rights organizations;

4. Decides

(a) To consider the situation in East Timor at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" on the basis of the reports of special rapporteurs and working groups and that of the Secretary-General;

(b) To encourage the Secretary-General to continue his good offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor and in this framework to encourage the all-inclusive intra-East Timorese dialogue to continue under the auspices of the United Nations.

66th meeting
16 April 1997
[Adopted by a roll-call vote of 20 to 14, with 18 abstentions. See chap. X.]

1997/64. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming, that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the international Covenants on human rights and other applicable human rights instruments,

Mindful that Myanmar is a party to the Convention on the Rights of the Child and the Geneva Conventions of 1949 on the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently General Assembly resolution 51/117 of 12 December 1996 and Commission on Human Rights resolution 1996/80 of 23 April 1996,

1. Welcomes

(a) The report by the Special Rapporteur (E/CN.4/1997/64);

(b) The report of the Secretary-General on his discussions with the Government of Myanmar (E/CN.4/1997/129);

(c) The continuing cooperation by the Government of Myanmar with the Office of the United Nations High Commissioner for Refugees for the voluntary repatriation and reintegration of returnees from Bangladesh;

(d) The scheduled visit of a special envoy of the Secretary-General to Myanmar from 7 to 10 May 1997, in the discharge of the good offices functions of the Secretary-General, for discussions with the Government and other political leaders of Myanmar as he may consider appropriate, in order to assist in the implementation of General Assembly resolution 51/117 and of the present resolution;

2. Expresses its deep concern

(a) At the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, death in custody, torture, arbitrary and politically motivated arrest and detention, absence of due process of law, including trial of detainees in secrecy without proper legal representation, severe restrictions on freedoms of opinion, expression, movement, assembly and association, forced relocation, forced labour by children as well as adults, including portering for the military, abuse of women and children by government agents and oppression of ethnic and religious minorities;

(b) At the absence of significant steps towards the establishment of democratic government after the democratic elections of 1990, while noting that according to the Special Rapporteur, the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar;

(c) That the Government of Myanmar has not yet agreed to a visit by the Special Rapporteur;

(d) That most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who have withdrawn and subsequently were excluded, at the end of 1995, from the sessions of the Convention and who were unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

(e) At the restrictions placed upon Daw Aung San Suu Kyi and other political leaders, at harassment, detention and forced resignations of elected representatives, at the recent attack against Daw Aung San Suu Kyi and other members of the National League for Democracy and at the mass arbitrary arrest of and the harsh sentences imposed on members of the National League for Democracy and other supporters of democratic groups in Myanmar, including persons peacefully exercising their right to freedom of expression during the recent student demonstrations;

(f) At the forced relocation and other violations of the rights of persons belonging to minorities, resulting in a flow of refugees to neighbouring countries, and at the recent attacks on members of the Karen ethnic group, resulting in death, destruction and displacement;

(g) At violations of the rights of children in contravention of the Convention on the Rights of the Child, in particular by the lack of conformity of the existing legal framework with this Convention, by systematic recruitment of children into forced labour, and by discrimination against children belonging to ethnic and religious minority groups;

3. Calls upon the Government of Myanmar

(a) To guarantee an end to violations of the right to life and integrity of the human being, to ensure full respect for human rights and fundamental freedoms, including freedom of thought, opinion, expression, association and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and to urgently improve conditions of detention;

(b) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage at the earliest possible date in a substantive political dialogue with the leaders of political parties returned at the elections of 1990, including Daw Aung San Suu Kyi, and with leaders of ethnic groups, as the best means of promoting national reconciliation and restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely;

(c) To cooperate fully with the relevant mechanisms of the Commission, in particular the Special Rapporteur, and to ensure his access to Myanmar, without preconditions, in order to allow him fully to discharge his mandate, and to cooperate with the Secretary-General or his representatives, including through access to any person deemed appropriate by the Secretary-General or the Special Rapporteur;

(d) To ensure the safety of all political leaders, including Daw Aung San Suu Kyi, and to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(e) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as to other human rights instruments;

(f) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians,

including persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail themselves of services as may be offered by impartial humanitarian bodies;

(g) To fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization, and to cooperate more closely with the International Labour Organization, in particular with the Commission of Inquiry appointed in accordance with article 26 of the Constitution of the International Labour Organization;

(h) To create the necessary conditions to remove the causes of displacement and of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

(i) To fulfil its obligation to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

(j) To investigate the circumstances which led to the death in June 1996 of Mr. James Leander Nichols while detained by the Government of Myanmar, and to prosecute any person who could be held responsible;

4. Decides

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session on human rights in Myanmar and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To request the Secretary-General to continue his discussions with the Government of Myanmar and anyone in Myanmar he may consider appropriate in order to assist in the implementation of General Assembly resolution 51/117 and of the present resolution;

(d) To continue the examination of the situation of human rights i Myanmar during its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world".

67th mee
16 April
[Adopted without a vote. See chap.

1997/65. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaratio of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfill the obligation they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 19 in which the Council requested the Chairman of the Commission on Human Righ to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Coven on Civil and Political Rights, the International Covenant on Economic, Soci and Cultural Rights, the Convention against Torture and Other Cruel, Inhuma or Degrading Treatment or Punishment and the Convention on the Rights of the Child, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling in particular its resolution 1996/75 of 23 April 1996, in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and requested him to consider submitting a report to the General Assembly at its fifty-first session, and Economic and Social Council decision 1996/280 of 24 July 1996, in which the Council approved the Commission's decision,

Concerned that armed confrontation persists in certain parts of the territory of Afghanistan,

Aware that peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedoms, the voluntary return of refugees to their homeland in safety and dignity, the clearance of minefields in many parts of the country, and the reconstruction and rehabilitation of Afghanistan,

Noting General Assembly resolution 51/195 of 17 December 1996 and Security Council resolution 1076 (1996) of 22 October 1996,

Deeply concerned at reports of violations and abuses of human rights and humanitarian law, including the right to life, to liberty and security of person and to freedom of opinion, expression, religion and association,

Concerned in particular at reports of violations and abuses against women and children, especially regarding access to basic education for girl children, and access by women to employment and training and their effective participation in political, economic, social and cultural life,

Concerned also that a unified judicial system cannot be established throughout the country under the prevailing circumstances, and stressing the necessity, until one is created, for regional administrations to assume responsibility for the protection of the human rights of those people under their control, in accordance with internationally accepted standards of human rights,

Commending the activities carried out for the welfare of the Afghan people by various agencies and programmes of the United Nations, as well as by the International Committee of the Red Cross and other humanitarian organizations, including non-governmental organizations,

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with the Afghan parties,

1. Takes note with appreciation of the final report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1997/59) and of the conclusions and recommendations contained therein;

2. Notes with deep concern the intensification of armed hostilities in Afghanistan, which have resulted in the destruction of houses and in forced evictions, including on the ground of ethnicity, and calls on all parties involved immediately to cease such hostilities, to engage in a political dialogue aimed at achieving national reconciliation and the return of displaced persons to their homes;

3. Notes with concern the ongoing deterioration of the situation of human rights in Afghanistan as reported by the Special Rapporteur and deplores the violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion and association, and freedom from discrimination on the basis of gender;

4. Expresses its deep concern at the frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country, as well as the application of forms of punishment that do not conform to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

5. Calls on all the Afghan parties, in accordance with international human rights instruments, fully to respect and act in accordance with all human rights and fundamental freedoms, regardless of gender, ethnicity or religion;

6. Urges all the Afghan parties to restore respect for all the human rights of women, without delay, and in particular to take measures to ensure:

(a) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(b) Respect for the right of women to work, and reintegration in their employment;

(c) The right of women and of girls to education without discrimination, the reopening of schools and the admission of women and of girls to higher levels of education;

(d) Respect for women's right to security of person, and that those responsible for physical attacks on women are brought to justice;

(e) Respect for women's freedom of movement and effective access to facilities necessary to protect their right to the highest attainable standard of physical and mental health;

7. Encourages the Special Rapporteur to continue to pay attention to the human rights of women and of children and to apply a gender perspective in a similar manner as in his report to the Commission at its fifty-third session;

8. Demands that all the Afghan parties fulfill their obligations and commitments regarding the safety of all diplomatic missions and of United Nations personnel and other international personnel as well as their premises in Afghanistan, and cooperate fully with the United Nations and associated bodies as well as with non-governmental organizations, including humanitarian organizations, national and international, and other agencies;

9. Endorses the Special Rapporteur's condemnation of the abduction from United Nations premises of the former President of Afghanistan, Mr. Najibullah, and of his brother, and their subsequent summary execution;

10. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave violations and abuses of human rights and of accepted humanitarian rules and to bring the perpetrators to trial in accordance with internationally accepted standards;

11. Strongly urges all the Afghan parties to work and cooperate fully with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic government elected through free and fair elections, to be held throughout the country and based on the right to self-determination of the people of Afghanistan;

12. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to strengthen mutual consultation and cocperation;

13. Urges all the Afghan parties to respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially anti-personnel mines, and urges all the Afghan parties to prohibit the drafting and the recruitment of children as para-combatants and to ensure their reintegration into society;

14. Invites the United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles and the holding of direct elections;

15. Stresses the importance of human rights education and awareness-building in both urban and rural areas, and encourages the international community to assist in this regard;

16. Encourages the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means to restore the Afghan system of education and cultural heritage, in particular the restoration of the Kabul museum and other historical sites;

17. Urges all States to respect the full national independence and territorial integrity of Afghanistan and non-interference in its internal affairs, and takes note with concern of the report of the Special Rapporteur wherein he is informed of the presence of foreigners among prisoners of war;

18. Calls for the unconditional and simultaneous release of all prisoners of war, wherever they are held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as the result of the war;

19. Calls upon all warring parties in Afghanistan to refrain from arbitrarily detaining civilian foreign nationals, and urges their captors to release them immediately;

20. Calls upon the Afghan parties to treat all suspects and convicted or detained persons in accordance with relevant international instruments;

21. Appeals to Member States and to the international community to provide on a non-discriminatory basis adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries;

22. Encourages the United Nations Special Envoy to Afghanistan to exert efforts to ensure a gender perspective in the selection of his staff, in order to enhance the role of women in preventive diplomacy, peace-making and peace-keeping;

23. Urges the Afghan parties to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur, and to facilitate access to all sectors of society;

24. Decides to extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human

rights in Afghanistan to the Commission at its fifty-fourth session and to consider submitting a report to the General Assembly at its fifty-second session;

25. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

26. Requests the High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide professional advice to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

27. Decides to continue its consideration of the human rights situation in Afghanistan, as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/66. Situation of human rights in Rwanda

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolutions S-3/1 of 25 May 1994, 1995/91 of 8 March 1995 and 1996/76 of 23 April 1996,

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms as well as to eliminate impunity,

Noting the massive return to the country from Zaire and the United Republic of Tanzania of over 1 million Rwandan refugees who left the country in 1994,

Taking note with concern of the report of the Special Rapporteur (E/CN.4/1997/61) and the report of the High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (E/CN.4/1997/52) concerning violations of human rights and fundamental freedoms in Rwanda,

Reaffirming that the protection and promotion of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Welcoming the restructuring of the judicial system and the start of prosecution of those suspected of having committed the crime of genocide and the massacres in Rwanda,

1. Takes note of the reports of the Special Rapporteur on the situation of human rights in Rwanda and the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda;

2. Reiterates its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights which were perpetrated in Rwanda, and expresses its concern at the continuation of human rights violations in Rwanda;

3. Remains deeply concerned at the continued suffering experienced by the survivors of the genocide and the massacres, especially the most vulnerable persons, and urges the Government of Rwanda and the international community to provide them with the necessary assistance;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations;

5. Calls upon the Government of Rwanda to investigate with vigour, and where possible to prosecute and punish, cases of rape and other sexual violence that occurred during and after the genocide, and to take steps to facilitate the participation of women, particularly genocide survivors and recent returnees, in all phases of social and economic reconstruction, with particular attention to matters concerning ownership of property;

6. Also calls upon the Government of Rwanda to extend an invitation to the Special Rapporteur on violence against women to visit Rwanda, for the purpose of studying the issue of sexual violence, its consequences and its relationship to the ongoing work of the International Criminal Tribunal for Rwanda as well as of national tribunals;

7. Welcomes the start of the trial of those suspected of the crime of genocide and crimes against humanity in Rwanda, remains concerned at the conditions under which the first genocide trials have been conducted,

especially with respect to legal representation, and encourages the Government of Rwanda to renew its commitment and its efforts to guarantee fair trials in accordance with internationally agreed standards and principles;

8. Expresses its concern with respect to conditions of detention which are not in conformity with international standards, appeals to the Government of Rwanda to take further action to improve these conditions and urges the international community to assist the Government of Rwanda in that field;

9. Appeals to the international community to contribute further financial and technical support to the Government of Rwanda for the strengthening of Rwanda's judicial system and for the reconstruction of human rights infrastructure;

10. Encourages the efforts of the Government of Rwanda to reconstruct a State based on the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international instruments;

11. Expresses its grave concern at the deterioration in the human rights situation in Rwanda since the beginning of January 1997, in particular the increase in the killing of and attacks against genocide survivors and witnesses by members of the former Forces Armées Rwandaises, Interahamwe militia or other insurgents, and the killing of unarmed civilians by some elements of the security forces;

12. Notes the commitment of the Government of Rwanda to investigate extrajudicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct these investigations promptly and with all due rigour;

13. Condemns in the strongest terms any acts of violence or intimidation against the staff of the United Nations or any other international staff serving in Rwanda, especially the assassination of five human rights observers - one Cambodian, one United Kingdom and three Rwandan nationals - that of three Spanish members of Médecins du monde and that of a Canadian national, and pays tribute to their memory;

14. Appeals to the Government of Rwanda to continue to ensure the security of United Nations staff, humanitarian personnel and all individuals serving in the country;

15. Expresses its satisfaction at the welcome extended by the Government of Rwanda to the Rwandan refugees who left the country in 1994 upon their massive return in November 1996, and calls upon the Government of Rwanda to guarantee their safety and right to property;

16. Calls upon States, United Nations bodies and agencies and other international organizations to intensify their efforts to contribute further financial and technical support to the efforts of the Government of Rwanda aimed at the resettlement of all the refugees and survivors of the 1994 genocide and massacres, as well as the implementation of the national reconstruction and resettlement programme;

17. Reaffirms the importance of the continuation of the Human Rights Field Operation in Rwanda, welcomes the cooperation the Government of Rwanda has continuously extended to it and calls upon the Government of Rwanda to ensure the security and safety of the staff of the Operation and access for that staff throughout Rwanda;

18. Reiterates its requests that all States concerned cooperate fully with the International Criminal Tribunal for Rwanda and to ensure that all those guilty of the crime of genocide, crimes against humanity and other grave violations of human rights committed in Rwanda are brought to justice in accordance with international principles of due process;

19. Expresses its appreciation for the work the Special Rapporteur has carried out in the past three years in the fulfilment of his mandate;

20. Requests the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate;

21. Requests the special representative to report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session in accordance with his mandate;

22. Requests the High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission on Human Rights and the General Assembly;

23. Calls upon all States to respond to the appeal of the United Nations High Commissioner for Human Rights to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and to work for lasting solutions to the problem of its financing including through the regular budget of the United Nations;

24. Requests the United Nations High Commissioner for Human Rights to submit a report on the implementation of the present resolution, under agenda item 10, to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session.

67th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/67. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1996/66 of 23 April 1996,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the Centre for Human Rights, and the Special Rapporteur has observed progress in the field of human rights and fundamental freedoms, as indicated in his reports (E/CN.4/1996/67 and E/CN.4/1997/54),

Taking note of the observation of the Special Rapporteur contained in his latest report that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as to the Convention on the Elimination of All Forms of Discrimination against Women, and his observations that there is political will on the part of the authorities and that efforts made in this regard have led to progress in the situation of human rights and fundamental freedoms,

Conscious that some progress has been made in the field of human rights and fundamental freedoms in Equatorial Guinea,

Noting with concern the continued existence of deficiencies or conditions that lead to violations and abuses of human rights, including the impunity enjoyed by some State officials who have perpetrated or instigated human rights violations, the failure to provide for an independent judiciary, the excessive encroachment of military jurisdiction into criminal matters, the insufficient publicity given to laws and government acts, the continued, if less blatant, repression of dissidents and opponents of the Government, the existence, albeit on a lesser scale, of torture and ill-treatment of prisoners, limitations, also on a declining scale, on the exercise of the right of assembly and other political rights, discrimination against persons belonging to distinct ethnic groups, and failure to complete procedures that would allow legal recognition of non-governmental organizations,

Encouraging the Government, the political parties and governmental and non-governmental organizations to continue their efforts in promoting and protecting human rights and fundamental freedoms,

Noting with satisfaction that in January 1997 the Government and the political parties of the opposition resumed political dialogue to revise the National Pact concluded in 1993,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1997/54) and welcomes his report and the atmosphere of understanding, assistance and cordiality which the authorities of Equatorial Guinea provided him during his mission;

2. Expresses its appreciation of the efforts of the Government of Equatorial Guinea in welcoming the advisory and the technical assistance, which has led to some progress in the field of human rights and fundamental freedoms in Equatorial Guinea;

3. Notes with interest that the continuity of the process of democratization in Equatorial Guinea has led the Government and the political parties of the opposition to resume their political dialogue in order to revise the National Pact concluded in 1993;

4. Invites the Government, in anticipation of the legislative elections for the entire House of Representatives of the People, to be held in 1998, to take all the necessary measures to guarantee transparency and respect

for the electoral law in force in Equatorial Guinea in order to facilitate the free participation of all political parties in the electoral process and, for this purpose, to continue the dialogue with all political parties, which may contribute to the advancement of the process of democratization;

5. Also invites the Government to reform the electoral legislation in accordance with the recommendations of the United Nations electoral adviser and those of the Special Rapporteur contained in his report;

6. Encourages the Government to pay particular attention to the enjoyment of economic, social and cultural rights;

7. Also encourages the Government to continue the positive efforts it has already undertaken to put an end to the relegation of women to an inferior position and discrimination against them, and to extend their effective participation in the educational, professional, social and political spheres;

8. Further encourages the Government to implement the recommendations made by the Special Rapporteur, inter alia with respect to:

(a) The periodic and regular publication of laws, decrees and governmental acts;

(b) Accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Convention on the Elimination of All Forms of Racial Discrimination;

(c) The adoption of legislative and administrative measures to guarantee the full independence and impartiality of the judiciary, to ensure due process of law and the enforcement by the security forces of judicial decisions and to put into effective operation the remedy of habeas corpus;

(d) The limitation of the jurisdiction of military courts to trying strictly military offences committed by military personnel;

(e) The transmission of precise instructions to the forces of order and security against arbitrary arrests and for respect of the right of the individual to security, integrity and freedom and to put an end to the intimidation and harassment of political party activities and of citizens in general;

(f) The immediate termination of all acts of torture and cruel, inhuman or degrading treatment or punishment and the imposition of criminal and disciplinary penalties for those responsible for such human rights violations;

(g) The dismantling of police and military checkpoints responsible for such human rights violations;

(h) The termination of the impunity of those responsible in various ways for human rights violations;

(i) Opposition to any sign or symptom of discrimination against ethnic minorities;

9. Welcomes the improvement in the conditions of prisoners and detainees introduced by the authorities, and requests that these efforts continue in accordance with the Special Rapporteur's recommendations;

10. Requests the United Nations High Commissioner for Human Rights/Centre for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights;

11. Requests the Centre for Human Rights and the Special Rapporteur to continue their technical assistance projects in partnership with the Government of Equatorial Guinea, in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights;

12. Decides to renew the mandate of the Special Rapporteur for one year;

13. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

14. Requests the Special Rapporteur to report to the Commission at its fifty-fourth session;

15. Decides to consider the question at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
16 April 1997

[Adopted without a vote. See chap. X.]

1997/68. Report of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/141 of 20 December 1993, establishing the mandate of the United Nations High Commissioner for Human Rights for the promotion and protection of all human rights,

Reaffirming its commitment to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Recalling its resolution 1996/78 of 23 April 1996 in which it requested the High Commissioner for Human Rights to continue to report to the Commission about the measures taken and the progress made in the implementation of the Vienna Declaration and Programme of Action,

Noting the decisive and important role played by the United Nations High Commissioner for Human Rights, in accordance with General Assembly resolution 48/141, in order to remove the obstacles and meet the challenges in the promotion of all human rights and in preventing persistent violations of human rights around the world, as reflected in the Vienna Declaration and Programme of Action,

Having examined the report of the United Nations High Commissioner for Human Rights (E/CN.4/1997/98 and Add.1),

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights, entitled "Building a partnership for human rights" (E/CN.4/1997/98 and Add.1);

2. Thanks the High Commissioner for Human Rights for his efforts in strengthening the United Nations activities in the field of human rights, in spite of the prevailing financial constraints;

3. Recognizes the efforts of the High Commissioner in enhancing the Centre for Human Rights and in endowing it with an adequate administrative structure, which allows it to put into practice the promotion and protection of all human rights and fundamental freedoms;

4. Recognizes the importance of continuing to support the High Commissioner/Centre for Human Rights in its activities, taking into account that the duplication of its functions must be avoided because they constitute an integral part of the United Nations for the promotion and protection of all human rights;

5. Expresses its satisfaction at the constructive manner in which the United Nations High Commissioner for Human Rights has carried out his functions;

6. Decides to continue the consideration of this question at its fifty-fourth session under the same agenda item.

67th meeting
16 April 1997
[Adopted without a vote. See chap. XXII.]

1997/69. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993, in which the Assembly endorsed the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, as well as its resolution 1994/95 of 9 March 1994, in which the Commission decided to revie annually the progress towards the full implementation of the recommendation contained in the Vienna Declaration and Programme of Action,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the organization,

Recalling Part II, paragraph 100, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to hi on the progress made in the implementation of the Vienna Declaration and Programme of Action and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council,

Recalling also that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the Vienna Declaration and Programme of Action, and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme o Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approac throughout the United Nations system,

Noting that the High Commissioner for Human Rights has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise,

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields,

Noting the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with agreed conclusions 1995/1 of the Economic and Social Council,

Recalling its resolution 1996/78 of 23 April 1996, as well as Economic and Social Council decision 1996/283 of 24 July 1996,

Having considered the report of the High Commissioner for Human Rights (E/CN.4/1997/98 and Add.1), in particular chapter VIII, entitled "1998 - Human Rights Year",

1. Reaffirms the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations, as expressed in the Vienna Declaration and Programme of Action;

2. Recognizes that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

3. Calls upon all States to take further action with a view to the full realization of all human rights in the light of the recommendations of the Conference;

4. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, in particular in the context of the public information and human rights education activities for the fiftieth

anniversary of the Universal Declaration of Human Rights, including through training programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms;

5. Calls upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

6. Requests the High Commissioner for Human Rights, the General Assembly and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

7. Requests the High Commissioner for Human Rights to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

8. Invites the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system, with the participation of the High Commissioner, in particular in the context of the preparations for the 1998 five-year review;

9. Takes note of the intention of the High Commissioner to invite all States and all organs and agencies of the United Nations system related to human rights to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action, as part of the five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

10. Calls upon all States to contribute actively to the preparations of the 1998 five-year review;

11. Welcomes the inter-agency coordination of the High Commissioner with all United Nations programmes and agencies whose activities deal with human rights for the preparations of the 1998 five-year review, and calls upon them to contribute actively to this process;

12. Encourages regional and national human rights institutions as well as non-governmental organizations to present, on this occasion, their views on the progress made in the implementation of the Vienna Declaration and Programme of Action;

13. Welcomes and supports Economic and Social Council decision 1996/283 of 24 July 1996, in which the Council endorsed the recommendation of the Commission to consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action as part of the 1998 five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

14. Requests the High Commissioner to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action, in particular concerning the 1998 five-year review;

15. Decides to consider this question at its fifty-fourth session, under the agenda item entitled "Follow-up to the World Conference on Human Rights".

67th meeting
16 April 1997

[Adopted without a vote. See chap. XXII.]

1997/70. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1996/81 of 23 April 1996, in which it authorized further meetings of the working group,

Recalling further that the World Conference on Human Rights recommended speedy completing and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all interested States and intergovernmental and non-governmental organizations before finalizing the draft declaration,

Conscious also of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Takes note of the report of the working group (E/CN.4/1997/92);

2. Urges the working group, without prejudice to the importance of working towards consensus, to complete its task promptly and submit the draft declaration to the Commission;

3. Decides to continue its work with a view to adopting the draft declaration at its fifty-fourth session;

4. Also decides to make available an appropriate meeting time for the working group prior to and during the fifty-fourth session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption;

"The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/70 of 16 April 1997,

1. Authorizes the open-ended working group of the Commission on Human Rights to meet for a period of eight working days prior to the fifty-fourth session of the Commission in order to finalize its elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. Requests the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings."

67th meeting
16 April 1997
[Adopted without a vote. See chap. XX.]

1997/71. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence,

Aware of the rapid development of the life sciences and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection its resolutions 1991/45 of 5 March 1991 and 1993/91 of 10 March 1993,

Referring to decision 1994/108 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Taking note of the adoption by the Council of Ministers of the Council of Europe, on 19 November 1996, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Biomedicine,

Taking note of the draft international declaration on the human genome and the protection of human rights, currently being prepared by the United Nations Educational, Scientific and Cultural Organization, which is

intended to establish the principle of the fundamental unity of all members of the human family and to ensure recognition of the dignity inherent in each of them, in the light of scientific and technological developments in the areas of biology and genetics,

Convinced of the need to develop a life sciences ethic at the national and international levels,

1. Takes note with satisfaction of the report of the Secretary-General (E/CN.4/1995/74);

2. Invites Governments, the specialized agencies and other organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and other intergovernmental, particularly regional, organizations and non-governmental organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences develop in a manner respectful of human rights and beneficial to humanity as a whole;

3. Also invites Governments to inform the Secretary-General of legislative or other measures taken to this end;

4. Draws the attention of Governments both to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole and to the need to safeguard the rights of the individual and his dignity as well as his identity and unity, and to the need to protect the confidentiality of genetic data concerning a named person;

5. Invites Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications; it also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

6. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the agenda item "Human rights and scientific

and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and beneficial to humanity as a whole and to make recommendations to that effect;

7. Requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at its fifty-fifth session.

67th meeting
16 April 1997
[Adopted without a vote. See chap. XII.]

1997/72. Right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Noting that the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Noting also that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development,

Emphasizing that all human rights are universal, indivisible and interdependent and interrelated; the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis; while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Underlining also that the implementation of the Declaration on the Right to Development requires effective development policies and support at the international level through the effective contribution of States, organs and organizations of the United Nations systems and of non-governmental organizations active in this field,

Recalling its resolution 1996/15 of 11 April 1996, in which it decided to establish an intergovernmental group of experts with a mandate to elaborate a strategy for the implementation and promotion of the right to development, and General Assembly resolution 51/99 of 12 December 1996,

Recognizing that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that the realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (c) of General Assembly resolution 48/141,

Recognizing the need for the Intergovernmental Group of Experts to implement its mandate in all its aspects,

Taking into account the conclusions reached by the Intergovernmental Group of Experts on international and national aspects of the right to development,

Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes and national development strategies and policies and activities of international organizations,

Affirms the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process,

1. Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights;

2. Recognizes that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights;

3. Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

4. Also urges all States to further promote the right to development as a vital element in a balanced human rights programme;

5. Requests the High Commissioner for Human Rights to:

(a) Examine ways and means to provide the Declaration on the Right to Development with a profile commensurate with its importance;

(b) Disseminate the present resolution to all Governments, intergovernmental organizations, non-governmental organization, members of treaty bodies and academic institutions, inviting views on ways and means as specified in subparagraph (a) above, including the Declaration's relationship with important human rights instruments, such as those constituting the International Bill of Human Rights;

6. Reaffirms the need for States to cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all, without any distinction as to race, sex, language or religion;

7. Calls upon the High Commissioner to continue to accord priority to the right to development and provide commensurate support in terms of staff, services and resources for its programmatic follow-up, within his mandate;

8. Requests the High Commissioner to ensure widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, national institutions, academia and interested non-governmental organizations worldwide, inter alia through workshops and seminars;

9. Recommends that activities being organized as part of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights should, inter alia, project the role and importance of the right to development;

10. Invites the High Commissioner to continue to consult regularly, on a formal or informal basis, with all States on the follow-up to the Declaration on the Right to Development and to request them to inform the High Commissioner of their efforts to implement the Declaration;

11. Notes that the High Commissioner for Human Rights has initiated a dialogue with the World Bank with regard to the right to development, and in this connection stresses that:

(a) Such a dialogue should contribute to identifying the obstacles to the full implementation of the Declaration on the Right to Development;

(b) Such discussions should contribute to initiatives, policies, programmes and activities that promote the right to development;

(c) Such discussions should also focus on mainstreaming a gender perspective in the implementation of the Declaration on the Right to Development regarding developing assistance;

(d) And calls upon the High Commissioner to inform Member States on a regular basis through informal meetings on the progress of the dialogue;

12. Welcomes the initiative of the High Commissioner to organize regional seminars, and calls upon the High Commissioner to ensure that such seminars focus on all aspects of the realization of the right to development;

13. Notes the procedures adopted by the Working Group of Intergovernmental Experts in the conduct of its work during its first session and the report (E/CN.4/1997/22) it submitted to the Commission on Human Rights at its fifty-third session and calls upon the Working Group to:

(a) Encourage participation of Member States, international institutions and non-governmental organizations in its deliberations, inter alia through a greater use of public meetings;

(b) Continue to implement its mandate contained in Commission on Human Rights resolution 1996/15, namely the elaboration of a strategy for the implementation and promotion of the right to development as set forth in the Declaration on the Right to Development;

(c) Continue to give due consideration to recommendations for the elimination of obstacles already identified to the realization of the right to development;

(d) Continue to explore ways and means for the promotion of international cooperation, dialogue and partnership for the realization of the right to development;

(e) Give due consideration to the possibility of establishing a follow-up mechanism, or enhancing existing ones, to the Declaration on the Right to Development;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session a comprehensive report on the implementation of the various provisions of the present resolution.

67th meeting
16 April 1997
[Adopted without a vote. See chap. VI.]